

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

GARY L. FLEMING, SR.
Debtor

Case No. 19-20486 TPA
Chapter 11

GARY L. FLEMING, SR.
Movant

V.

Related to Document No. 18

NO RESPONDENT

ORDER APPROVING RETENTION OF REALTOR/BROKER

AND NOW, this 14th day of **March, 2019**, upon consideration of the **Motion to Employ Realtor to Sell Debtor's Real Property**, it is **ORDERED, ADJUDGED and DECREED** as follows:

(1) ***Carroll W. Ferguson and Howard Hanna Real Estate Services, 401 Broad Street, Sewickley, Pennsylvania 15143*** are hereby appointed, as of the date of filing the *Motion*, as ***Realtor*** for the Debtor in this bankruptcy proceeding pursuant to the terms described in the Listing Agreement attached to the *Motion* for the purpose of acting as the Movant's agent in connection with the sale of real estate located at ***1106 Ohio River Boulevard, Suite 604, Sewickley, Pennsylvania 15143***. A realtor commission in the amount of 6% on the sale price is tentatively approved, subject to final Court order. ***Movant shall serve the within Order on all interested parties and file a certificate of service.***

(2) Professional persons or entities performing services in the above case are advised that approval of fees for professional services will be based on other factors as well, including results accomplished, the time and labor reasonably required by the professional to perform the task(s) involved, the customary fee for similar services, the time limitations imposed by the retention or the circumstances encountered while performing the services, the relationship of the services, if any, to the ultimate bid amount for the subject property, and the extent and nature of awards in similar cases. Tentative approval of the commission set forth above is premised on the understanding that the property will be sold at or near the list price as set forth in the *Motion*. Any deviation from the list price will be considered as a factor by the Court in setting final compensation in this matter.

(3) Approval of any motion for appointment of a professional in which certain fees are requested for various identified professionals is not an agreement by the Court to allow such fees at the requested hourly rates, and is not a preapproval of compensation pursuant to *11 U.S.C. §328(a)*. Final compensation, awarded only after notice and hearing, may be more or less than the requested amount based on application of the above criteria.

(4) Notwithstanding anything to the contrary in the letter of engagement or agreement between Movant and the Realtor, this *Order* does not authorize the Realtor to retain or pay any outside counsel or other professional to assist the Realtor in this matter unless such is done at no expense to Movant, directly or indirectly. Any other retention of, and payment to, an outside counsel or other professional is subject to prior approval of the Court.

Thomas P. Agresti, Judge
United States Bankruptcy Court

Certificate of Notice Page 2 of 2
United States Bankruptcy Court
Western District of Pennsylvania

In re:
Gary L. Fleming, Sr.
Debtor

Case No. 19-20486-TPA
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lfin
Form ID: pdf900

Page 1 of 1
Total Noticed: 2

Date Rcvd: Mar 14, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 16, 2019.

db +Gary L. Fleming, Sr., 520 Thorn St., Sewickley, PA 15143-1533
r +Carroll Ferguson, HowardHanna Real Estate Services, 401 Broad Street,
Sewickley, PA 15143-1518

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 16, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 14, 2019 at the address(es) listed below:

Brian M. Kile on behalf of Creditor Key Bank, N.A. bkile@grenenbirsic.com,
mcupec@grenenbirsic.com;lstanger@grenenbirsic.com
Christopher M. Frye on behalf of Debtor Gary L. Fleming, Sr. chris.frye@steidl-steinberg.com,
julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo
ga@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-ste
inberg.com
James Warmbrodt on behalf of Creditor Toyota Lease Trust bkgroup@kmlawgroup.com
Karina Velter on behalf of Creditor JPMorgan Chase Bank, N.A. amps@manleydeas.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
DMcKay@bernsteinlaw.com
Larry E. Wahlquist on behalf of U.S. Trustee Office of the United States Trustee
larry.e.wahlquist@usdoj.gov
Michael W. Sloat on behalf of Creditor Farmers National Bank mike@lkslaw.us, scott@lkslaw.us
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov

TOTAL: 8